

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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| IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001 | 03-MD-1570 (GBD)(FM) ECF Case |
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This document relates to: *Burnett, et al. v. Al Baraka Investment and Development Corporation, et al.*, Case No. 02 CV 1616

**DEFENDANTS WORLD ASSEMBLY OF MUSLIM YOUTH SAUDI ARABIA
AND WORLD ASSEMBLY OF MUSLIM YOUTH INTERNATIONAL ANSWER
TO PLAINTIFFS' THIRD AMENDED COMPLAINT¹**

To the extent the allegations in Plaintiffs' unnumbered introductory statements relate to or implicate Defendants, Defendants deny these allegations. Regarding defendants other than Defendant, Defendants are without knowledge or information sufficient to admit or deny the remaining allegations in the introduction and therefore those allegations are denied. Defendants admit only that on September 11, 2001, passenger jet airliners crashed into the World Trade Center Towers in New York, the Pentagon in Arlington County, Virginia, and a field near Shanksville, Pennsylvania.

JURISDICTION AND VENUE

1. To the extent these allegations are deemed to require a response, they are denied.
2. Defendants are without knowledge or information sufficient to admit or deny the truth of these allegations, therefore the allegations are denied.
3. To the extent these allegations are deemed to require a response, they are denied.

PARTIES

¹ Note that each numbered paragraph corresponds with and responds to the paragraph in the *Burnett v. Al Baraka Investment and Devel. Corp.* Third Amended Complaint bearing the same number.

4. Defendants are without knowledge or information sufficient to admit or deny.

Defendants admit only that on September 11, 2001, passenger jet airliners crashed into the World Trade Center Towers in New York, the Pentagon in Arlington County, Virginia, and a field near Shanksville, Pennsylvania.

FACTUAL ALLEGATIONS AGAINST DEFENDANTS

5. Defendants incorporate its responses to all preceding paragraphs, including the introduction.
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632. Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

633. Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

634. Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

COUNT ONE

FOREIGN SOVEREIGN IMMUNITIES ACT

635. Defendants incorporate its responses to the preceding paragraphs by reference.

636. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

637. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

638. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

639. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

640. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

Defendants deny that Plaintiffs are entitled to the relief listed in the WHEREFORE clause from Defendants. Defendants are without knowledge or information sufficient to admit or deny whether Plaintiffs are entitled to relief from other defendants.

COUNT TWO

TORTURE VICTIM PROTECTION ACT

641. Defendants incorporate its responses to the preceding paragraphs by reference.

642. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

643. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the

Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

644. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

Defendants deny that Plaintiffs are entitled to the relief listed in the WHEREFORE clause from Defendants. Defendants are without knowledge or information sufficient to admit or deny whether Plaintiffs are entitled to relief from other defendants.

COUNT THREE

18 U.S.C. Section 2331 et. seq.

645. Defendants incorporate its responses to the preceding paragraphs by reference.

646. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

647. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

648. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

649. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

650. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

651. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

652. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

Defendants deny that Plaintiffs are entitled to the relief listed in the

WHEREFORE clause from Defendants. Defendants are without knowledge

or information sufficient to admit or deny whether Plaintiffs are entitled to relief from other defendants.

COUNT FOUR

ALIEN TORT CLAIMS ACT

653. Defendants incorporate its responses to the preceding paragraphs by reference.

654. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

655. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

656. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

657. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

Defendants deny that Plaintiffs are entitled to the relief listed in the

WHEREFORE clause from Defendants. Defendants are without knowledge or information sufficient to admit or deny whether Plaintiffs are entitled to relief from other defendants.

COUNT FIVE

WRONGFUL DEATH

658. Defendants incorporate its responses to the preceding paragraphs by reference.

659. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

660. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

661. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

662. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

663. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

664. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

Defendants deny that Plaintiffs are entitled to the relief listed in the WHEREFORE clause from Defendants. Defendants are without knowledge or information sufficient to admit or deny whether Plaintiffs are entitled to relief from other defendants.

COUNT SIX

NEGLIGENCE

665. Defendants incorporate its responses to the preceding paragraphs by reference.

666. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

667. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the

allegations are denied.

Defendants deny that Plaintiffs are entitled to the relief listed in the

WHEREFORE clause from Defendants. Defendants are without knowledge or information sufficient to admit or deny whether Plaintiffs are entitled to relief from other defendants.

COUNT SEVEN

SURVIVAL

668. Defendants incorporate its responses to the preceding paragraphs by reference.

669. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

670. To the extent the allegations implicate Defendants, the allegations are denied. To the extent the allegations implicate other defendants, Defendants are without knowledge or information sufficient to admit or deny the truth of the allegations, therefore the allegations are denied.

Defendants deny that Plaintiffs are entitled to the relief listed in the

WHEREFORE clause from Defendants. Defendants are without knowledge or information sufficient to admit or deny whether Plaintiffs are entitled to relief from other defendants.

COUNT EIGHT

**NEGLIGENT AND/OR INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS**

671. Defendants incorporate its responses to the preceding paragraphs by reference.
672. This Count was dismissed pursuant to the Court's Order of September 13, 2010 as far as negligent infliction of emotional distress is concerned, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.
673. This Count was dismissed pursuant to the Court's Order of September 13, 2010 as far as negligent infliction of emotional distress is concerned, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.
674. This Count was dismissed pursuant to the Court's Order of September 13, 2010 as far as negligent infliction of emotional distress is concerned, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.
675. This Count was dismissed pursuant to the Court's Order of September 13, 2010 as far as negligent infliction of emotional distress is concerned, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.
676. This Count was dismissed pursuant to the Court's Order of September 13, 2010 as far as negligent infliction of emotional distress is concerned, and therefore these paragraphs require no response. To the extent the Count is not

dismissed and the allegations implicate Defendants, the allegations are denied. Defendants deny that Plaintiffs are entitled to the relief listed in the WHEREFORE clause from Defendants. Defendants are without knowledge or information sufficient to admit or deny whether Plaintiffs are entitled to relief from other defendants.

COUNT NINE

CONSPIRACY

677. Defendants incorporate its responses to the preceding paragraphs by reference.
678. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.
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Defendants deny that Plaintiffs are entitled to the relief listed in the WHEREFORE clause from Defendants. Defendants are without knowledge or information sufficient to admit or deny whether Plaintiffs are entitled to relief from other defendants.

COUNT TEN

AIDING AND ABETTING

683. Defendants incorporate its responses to the preceding paragraphs by reference.

684. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

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Defendants deny that Plaintiffs are entitled to the relief listed in the WHEREFORE clause from Defendants. Defendants are without knowledge or information sufficient to admit or deny whether Plaintiffs are entitled to relief from other defendants.

COUNT ELEVEN

VIOLATION OF THE RACKETEER INFLUENCED AND CORRUPT

ORGANIZATION ACT

18 U.S.C. Section 1962(a)

689. Defendants incorporate its responses to the preceding paragraphs by reference.

690. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

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696. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

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698. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

Defendants deny that Plaintiffs are entitled to the relief listed in the WHEREFORE clause from Defendants. Defendants are without knowledge or information sufficient to admit or deny whether Plaintiffs are entitled to relief from other defendants.

COUNT TWELVE

VIOLATION OF THE RACKETEER INFLUENCED AND CORRUPT

ORGANIZATION ACT

18 U.S.C. Section 1962(c)

699. Defendants incorporate its responses to the preceding paragraphs by reference.

700. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

701. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

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Defendants deny that Plaintiffs are entitled to the relief listed in the WHEREFORE clause from Defendants. Defendants are without knowledge or information sufficient to admit or deny whether Plaintiffs are entitled to relief from other defendants.

COUNT THIRTEEN

VIOLATION OF THE RACKETEER INFLUENCED AND CORRUPT

ORGANIZATION ACT

18 U.S.C. Section 1962(d)

707. Defendants incorporate its responses to the preceding paragraphs by reference.

708. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

709. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

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714. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the

allegations are denied.

Defendants deny that Plaintiffs are entitled to the relief listed in the

WHEREFORE clause from Defendants. Defendants are without knowledge or information sufficient to admit or deny whether Plaintiffs are entitled to relief from other defendants.

COUNT FOURTEEN

PUNITIVE DAMAGES

715. Defendants incorporate its responses to the preceding paragraphs by reference.

716. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

717. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

Defendants deny that Plaintiffs are entitled to the relief listed in the

WHEREFORE clause from Defendants. Defendants are without knowledge or information sufficient to admit or deny whether Plaintiffs are entitled to relief from other defendants.

COUNT FIFTEEN

**PUNITIVE DAMAGES – AGENCIES AND INSTRUMENTALITIES OF
FOREIGN STATE DEFENDANT**

718. Defendants incorporate its responses to the preceding paragraphs by reference.

719. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

720. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

721. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

722. This Count was dismissed pursuant to the Court's Order of September 13, 2010, and therefore these paragraphs require no response. To the extent the Count is not dismissed and the allegations implicate Defendants, the allegations are denied.

Defendants deny that Plaintiffs are entitled to the relief listed in the

WHEREFORE clause from Defendants. Defendants are without knowledge

or information sufficient to admit or deny whether Plaintiffs are entitled to relief from other defendants.

723. These allegations, including the WHEREFORE clause, are conclusions of law to which no response is required. To the extent these allegations are deemed to require a response, they are denied.

JURY DEMAND

Plaintiffs' statement with respect to a jury trial contains no allegations to which a response is required

Each and every allegation in Plaintiffs' Complaint that has not been specifically admitted is hereby denied.

AFFIRMATIVE DEFENSES

1. Plaintiffs fail to state a claim upon which relief can be granted.
2. Plaintiffs failed to sufficiently serve process on Defendants. Defendants preserve this defense and do not waive their right by answering the complaint to the extent that Judge Daniels did not address the Defendants' motion on this issue in his September 13, 2010 Order.
3. This Court does not have personal jurisdiction over Plaintiffs' claims against Defendants.
4. This Court does not subject matter jurisdiction over Plaintiffs' claims against Defendants.
5. There is no causal connection between any of Defendants' activities and Plaintiffs' alleged injuries.

6. No act or omission of any agent, servant, or employee of Defendants proximately caused any harm or damages to Plaintiffs.
7. Plaintiffs fail to adequately allege scienter.
8. Plaintiffs fail to adequately allege proximate cause.
9. Plaintiffs' alleged damages and injuries were caused by other individuals or entities who are, or are not, named as parties to this action.
10. Defendants are not liable for Plaintiffs' damages based on the doctrines of several liability and/or combined or comparative fault pursuant to N.Y. C.P.L.R. Section 1601 et seq.
11. This Court is not proper venue for Plaintiff' claims against Defendants.
12. Plaintiffs have waived their claims based on the doctrine disallowing double-recovery.
13. Plaintiffs have waived their claims based on the collateral source doctrine.
14. Plaintiffs have waived their claim based on the doctrine of equitable subrogation.
15. Plaintiffs' claims are barred to the extent that they failed to mitigate damages.
16. Plaintiffs have waived their claims against Defendants.
17. Plaintiffs' claims have been waived to the extent that certain Plaintiffs are seeking recovery against Defendants for the same or similar claims in other actions comprising the multi-district litigation entitled *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (RCC), pending the United States District Court for the Southern District of New York.
18. Plaintiffs' state-law claims are pre-empted by federal law.

19. Plaintiffs' claims are barred based on principles of International Comity.
20. Plaintiffs' claims are barred by the doctrines of laches.
21. Plaintiffs' claims are barred by the doctrine of election of remedies.
22. Plaintiffs' claims are barred by Political Question doctrine.
23. Plaintiffs' claims are barred based on Sovereign Immunity.
24. Plaintiffs' claims are barred by the Act of State doctrine.
25. Plaintiffs have released their claims against Defendants.
26. Plaintiffs have discharged their claims against Defendants.
27. Plaintiffs' claims are barred by the doctrine of compromise and settlement.
28. Plaintiffs are precluded from asserting their claims by the doctrine of res
judicata.
29. Plaintiffs are precluded from asserting their claims by the doctrine of
collateral estoppel.
30. Plaintiffs lack standing to pursue their claims against Defendants.
31. Plaintiffs' claims are barred by the statute of limitations.
32. Plaintiffs are estopped from receiving the relief requested against Defendants.
33. Plaintiffs' claims are barred to the extent that they violate Defendants' right to
Due Process.
34. Plaintiffs' claims are invalid in light of workers' compensation laws,
regulations, rules and case law.
35. Plaintiffs' claims for punitive damages against Defendants are invalid because
Defendants' activities as alleged by Plaintiffs, were not committed with intent,
malice and outrageous conduct aggravated by evil motive, or reckless

indifference and none of Defendants' activities in any way were intended to, or did harm, the Plaintiffs in this action.

36. Defendants intend to invoke all other defenses, including affirmative defenses, that become apparent in the future (including through discovery) and reserve the right, in accordance with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Southern District of New York, to assert such defenses at a later point in time.

Dated: October 15, 2010

Respectfully submitted,

/s/Omar T. Mohammedi

Omar T. Mohammedi, Esq.

Law Firm of Omar T. Mohammedi, LLC

Woolworth Building

233 Broadway, Suite 801

New York, NY 10279

Attorneys for World Assembly of Muslim Youth

Saudi Arabia and World Assembly of Muslim Youth

International

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2010, I caused the foregoing to be served electronically on counsel of record by the Court's Electronic Case Filing (ECF) System, pursuant to ¶ 9(a) of Case Management Order No. 2 of June 16, 2004.

/s/Omar T. Mohammedi
Omar T. Mohammedi, Esq.
Law Firm of Omar T. Mohammedi, LLC
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233 Broadway, Suite 801
New York, NY 10279
*Attorneys for World Assembly of Muslim Youth
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